THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No.16766 of 2007

07-08-2007

Between:

Raatnala Tirupataiah and another.

Petitioners

And

The District Collector, Guntur district, Guntur and another.

Respondents.

THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 16766 of 2007

Oral Order:

The lands of the petitioners in Kondaveedu village, H/o Yadlapadu village and Mandal, Guntur district, is proposed for acquisition for providing house sites to weaker sections of the community. Notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') was issued on 11-06-2006 by the first respondent. On 26-06-2007, the second respondent issued a notice to the petitioners soliciting objections to

the process of acquisition under Section 5A of the Act. The petitioners state to have lodged their objections to the acquisition process on various dates, consequent on receipt of the notice dated 26-06-2007 under Section 5A of the Act. On behalf of the petitioners, it is contended that no draft declaration under Section 6 of the Act has yet been issued, but nevertheless contends the learned counsel for the petitioners, the respondents are threatening dispossession of the petitioners from their property by abuse of executive power and forcibly.

It is very fairly conceded on behalf of the respondents by the learned Government Pleader for Land Acquisition that the respondents have no power, authority or jurisdiction to dispossess any citizen of his property save in accordance with the due process of law. Section 5A of the Act obligates the respondents/competent authority to consider the objections lodged by the petitioners to the acquisition of the lands and further obligates that the decision, as to the further process of acquisition after considering the objections lodged, should be communicated to the affected persons/objectors and only thereafter and after following the due process including after issue of a draft declaration under Section 6 of the Act, could further process for acquiring the lands be taken under the Act. Only after an award is passed pursuant to the enquiry notice to the persons interested, does the title in the land inhere in the State after

divestiture from the owners and only thereafter the possession could be taken. This legal position is conceded by the learned Government Pleader for Land Acquisition. In view of this concession, the petitioners' apprehension has no basis.

Recording the submission made on behalf of the respondents, the writ petition is disposed of directing the respondents to proceed towards acquisition only after following the due process of law.

The writ petition is disposed of as above at the stage of admission. There shall be no order as to costs.

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GODA RAGHURAM, J

Dated: 07-08-2007
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